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COMMISSION ON HUMAN RIGHTS

53RD SESSION

ITEM 10: Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories

STATEMENT BY

THE OBSERVER DELEGATION OF NEW ZEALAND

April 1997

Check Against Delivery

53rd SESSION OF THE COMMISSION ON HUMAN RIGHTS

STATEMENT BY NEW ZEALAND

Mr Chairman

The solemn commitment to promote and encourage respect for human rights and fundamental freedoms is a basic tenet of the United Nations Charter. This principle has been reaffirmed by the international community, most notably at the 1993 Vienna World Conference on Human Rights. The Vienna Conference reaffirmed the universality of human rights and confirmed that the promotion and protection of human rights is a legitimate concern of the international community.

New Zealand believes firmly in the mandate given by the United Nations Charter to promote and encourage respect for human rights. We are deeply concerned by the recent attacks on United Nations staff and other humanitarian relief workers who have been working in the field to achieve this end. New Zealand experienced this concern at a personal level last year with the death of one of our nationals.

Regrettably, Mr Chairman, despite the obligation imposed by the Charter and the efforts of those working at the front line in many countries, we still have much to achieve. New Zealand follows closely the proceedings of this Commission and the reports of its Special Rapporteurs. Those reports clearly demonstrate that serious human rights violations are still occurring.

In the work that New Zealand undertakes in the field of human rights, we consider it important to balance critical remarks with a willingness to offer practical assistance and encouragement. For this reason, we support human rights capacity building efforts through our financial contributions to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and through other funding mechanisms.

New Zealand is not a country which makes a practice of publicly involving itself in the affairs of others. But we do feel strongly that all governments - ourselves included - are accountable for compliance with the basic human rights norms they have accepted. If basic norms are violated it is a matter of legitimate concern to the international community as a whole, and in particular this Commission.

As a member of the Commonwealth with a close interest in the situation in Nigeria, New Zealand continues to follow closely aspects of the human rights situation there. We are deeply concerned at the continued detention without trial of more than 150 Nigerians. We are following closely the process of transition to democratic government and appreciate each forward step that has been taken. However we remain concerned

that there is insufficient evidence of a parallel process leading to the full restoration of the rule of law and basic human rights.

We are concerned by the charges of treason recently levelled against Nobel laureate Wole Soyinka and eleven other Nigerians. We recall that last year the United Nations Human Rights Committee prepared a comprehensive examination of the human rights situation in Nigeria and that the Committee concluded that there remained fundamental inconsistencies between the obligations undertaken by Nigeria to respect and ensure the rights guaranteed under the International Covenant and the implementation of those rights in Nigeria.

New Zealand is truly disappointed that visits by the two Special Rapporteurs mandated by this Commission to report on aspects of the situation in Nigeria have been frustrated. We agree with the view of the Rapporteurs that the conditions imposed by the Government of Nigeria were too restrictive. New Zealand considers it appropriate that this Commission appoint a Special Rapporteur on the situation of human rights in Nigeria.

Against this background, we continue to look for progress. The commitments made by representatives of the Government of Nigeria during the recent visit of the Commonwealth Ministerial Action Group (CMAG) to Nigeria, which included the New Zealand Minister of Foreign Affairs and Trade, the Right Honourable Don McKinnon, are of major importance. The prompt and satisfactory conclusion of each of the steps in the transition is fundamental to the restoration of human rights in Nigeria.

Though we are distant from the countries of the African Great Lakes region, New Zealand has taken an interest in developments there. Indeed, the international community has been galvanised by the succession of humanitarian and human rights crises that have occurred there. We are deeply disturbed by recent events in Zaire which threaten the stability of the region. We endorse fully the efforts of the Secretary-General and countries in the region to end the fighting. We support the urgent work of humanitarian agencies to bring relief to the thousands of refugees at risk.

The human rights situations in Zaire, Burundi and Rwanda are not the same. There are nonetheless some important commonalities. In particular, we are deeply concerned that fighting and massive population movements taking place in the Great Lakes region has led to the violation of the human rights of many ordinary citizens. Sadly, as we know from past experience, innocent refugees are most at risk, especially women and children. There is disturbing evidence that the fighting in eastern Zaire in recent months has led to further serious human rights violations.

We call upon all parties in the region to give full respect to international standards of human rights, to ensure the safety of refugees in areas which they control, and to facilitate access to refugees by international humanitarian agencies. Again, we urge

renewed efforts to bring about a lasting political solution to the present crisis in the Great Lakes region.

In the territory of the former Yugoslavia, it is essential that respect for human rights is an integral part of maintaining peace and the restoration of civil society. The General Framework Agreement for Peace in Bosnia and Herzegovina, which committed the parties to respect fully human rights, and also the earlier Basic Agreement on the region of eastern Slavonia, Baranja and Western Sirmium, were milestones.

We welcome the improvement in the situation of human rights recorded in the report of the Special Rapporteur. But we are concerned at evidence of continuing human rights violations. We urge all parties to implement the human rights provisions of the General Framework Agreement. We underline in particular the need for extension of full cooperation to the International War Crimes Tribunal, respect for minorities, and freedom of expression and the media. Our concern about human rights in the former Yugoslavia extends also to the situation in Serbia, in particular, Kosovo, where we would also urge respect for the rights of minorities.

It is distressing that the Special Rapporteur on the situation of human rights in Iraq has had to report that there has been no improvement in human rights in that country. We urge Iraq to respond positively to the recommendations of the Special Rapporteur. We are pleased agreement was reached last year between Iraq and the Secretary-General to implement United Nations Security Council resolution 986 (1995). Acceptance by Iraq of 'food for oil' provides a long-overdue opportunity to improve the condition of vulnerable members of Iraqi society. We urge both parties to this agreement to move as rapidly as possible to ensure its implementation. Appropriate international monitoring is essential to the success of the food for oil agreement.

We are encouraged by the Special Representative's view that progress is being made in a number of human rights sectors in the Islamic Republic of Iran, and by requests for technical assistance. However, it is disappointing that this welcome progress is offset by the fact that the Special Representative identifies ongoing shortcomings in the protection of human rights in Iran especially as regards religious minorities, women, and freedom of expression.

New Zealand is concerned at violations of the rights of women and girls in many countries. We are especially appalled by the human rights situation in Afghanistan. In particular, actions taken by the Taliban have led to grave deterioration in the human rights of women and girls. New Zealand supports the Chairperson of the Committee on the Elimination of Discrimination against Women, who has expressed alarm at reports that the Taliban has denied women and girls access to education. We call on all parties in Afghanistan to ensure that the basic rights of all people in Afghanistan, including women and girls, are fully respected in line with the international human rights instruments to which Afghanistan is party.

Mr Chairman

In our own region, we cannot ignore the situation in Myanmar. The key to progress is, in our view, for the Government of Myanmar to engage the Opposition in a genuine political dialogue. The absence of serious communication between the SLORC and the Opposition makes it extremely difficult to work towards national reconciliation which itself is a pre-requisite for respect for human rights and also for economic advancement. The observance of political freedoms is a fundamental first step and the timetable for free elections must be accelerated.

New Zealand notes with concern the view of the Special Rapporteur, expressed in his reports to the General Assembly last year and yet again to this Commission, that the situation of human rights in Myanmar is precarious. It is unacceptable that basic violations of human rights, including extrajudicial, summary and arbitrary executions continue. Arbitrary arrest, detention and arrest without judicial review, and the absence of freedom of thought, expression or association, are also highlighted by the Special Rapporteur.

We strongly urge Myanmar to make it possible for the Special Rapporteur to visit.

New Zealand would like to refer to the statement to the Commission last week by Papua New Guinea's Minister for Foreign Affairs. The Minister kindly acknowledged the positive role which New Zealand has played in respect of the situation in Bougainville. New Zealand appreciates the complexity and difficulty of the situation facing the Papua New Guinea Government on Bougainville. In our view, stability, development and respect for human rights will only be possible when there is a commitment to find a peaceful resolution to the conflict there. Our firm hope is that the Papua New Guinea Government will renew its efforts in this regard. New Zealand welcomes the readiness of Papua New Guinea to address human rights issues, including those relating to the situation on Bougainville. We are encouraged by the Minister's commitment to the establishment of a national human rights commission, an initiative New Zealand wholeheartedly supports.

New Zealand has long supported the search for a just, comprehensive and internationally acceptable settlement in East Timor. We have also supported the efforts made by the United Nations' Secretary General to promote a dialogue among those directly concerned. In this context my delegation welcomes the appointment of Ambassador Jamsheed Marker as the Secretary General's Special Representative on East Timor. We hope that the United Nations-sponsored talks among Indonesia, Portugal and the Secretary-General, as well as the All Inclusive Intra East Timorese talks, may lead to substantive progress in the near future.

We note that a number of the reports of thematic Special Rapporteurs being considered under other agenda items include references to China. We welcome the advances made by China in improving the living standards of its people in recent decades. We

recognise the challenges posed by China's policy of opening to the rest of the world. We are particularly pleased to note recent steps to adjust aspects of China's legal system to the changing environment there, such as the adoption of a new Criminal Procedure Act and the extension of the village democracy scheme. It is a matter of concern to many New Zealanders that violations of international human rights standards continue. We have been told in discussions with Chinese officials that accession to important international human rights instruments is under study, and we encourage China to join the states parties to those instruments as soon as possible.

Mr Chairman

While the situation of human rights in a number of countries gives us cause for concern, we do acknowledge and welcome the positive steps that have occurred in other places. In countries such as Cambodia, Colombia and Haiti we are aware from reports before this Commission, both under this agenda item and others, that there have been improvements in the situation of human rights. In each of these cases more work needs to be done. But we would not want these encouraging developments to pass without adding our own words of support. We look forward to hearing of further progress next year.

Mr Chairman

As I said at the outset of these remarks, New Zealand considers it important to balance critical remarks with a willingness to offer practical assistance and encouragement. In this regard, we provide support for a steadily increasing range of good governance projects under our Official Development Assistance programme. Through these programmes we contribute, amongst other things, to the strengthening of legal and administrative frameworks in a way that encourages fairness, justice and respect for human rights.

It is our aim that the development of various human rights initiatives such as these - at the national, regional and global levels - will result in the subject of human rights becoming less an area of discord and disagreement, and increasingly one of cooperation. We will continue to work towards this end.